HONOURABLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION NO.15723 OF 2005

Dated 03rd August, 2005

Between:

1. Chintam Bapanaiah, son of late Venkaiah, age 42 years, Hindu, Occupation: Agriculture, resident of Chagarapalli, Thatkurugommu Panchayath, Velairpad Mandal, Khammam District and another.

Petitioners.

And:

1. Agent to the Government and District Collector, Khammam District, Khammam and others.

Respondents.

ORDER:

This writ petition is filed by the petitioners who are the respondents in the appeal aggrieved by the stay passed by the appellate authority with reference to the order of eviction passed by the Special Deputy Collector under the provisions of Section 3(a)(ii) of A.P. Scheduled Areas Land Transfer Regulation, 1959.

The respondents-petitioners herein filed an appeal before 2nd respondent-appellate authority and during the pendency of the same, the 6th respondent herein filed a petition in I.A.No.30 of 2005 before the appellate authority seeking stay of the operation of the ejectment orders passed by the Lower Court in Case No.134 of 2004/VLP dated 10-03-2005 against the 6th respondent pending disposal of the above appeal. The appellate authority originally passed the stay orders on 8th May, 2005 and thereafter, on 17-06-2005, the same were further extended till the disposal

of the appeal. Aggrieved by the orders passed by the appellate authority, the present writ petition is preferred by the respondents-petitioners herein.

According to respondents-petitioners herein, possession was already delivered to them and therefore, the stay granted by the appellate authority is illegal and unsustainable. This Court ordered notice on 20-7-2005. The learned Government Pleader on instructions reported that the appeal itself was heard on 27-7-2005 and reserved for orders.

Heard both sides and considered the material available on record.

In view of the fact that the appeal itself was heard on 27-7-2005, it is not just and proper to interfere with the order impugned herein.

Therefore, the writ petition is disposed of directing the appellate authority to pass appropriate orders in the appeal as expeditiously as possible.

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Justice S.ANANDA REDDY

Date: 5th July, 2005

Note:

CC in one week.

Dvs

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